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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,533	11/27/2001	Tanguy Marie Louisc Alexandre Catlin	CM2553M	8519

27752 7590 09/29/2004

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EXAMINER

WEBB, GREGORY E

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/994,533

Applicant(s)

ALEXANDRE CATLIN ET AL.

Examiner

Gregory E. Webb

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) 10-22 and 25-63 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 23 is/are rejected.
- 7) ☒ Claim(s) 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5,6,7,8,9.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 1751

## **DETAILED ACTION**

### ***Response to Amendment***

1. The following is in response to the applicant's Petition to Withdraw Notice of Abandonment filed 4/26/04 and the Response to Restriction Requirement filed 8/14/03.
2. The applicant has elected group I with traverse. The applicant argues that dependent claims should be examined. The applicant cites the CFR for support. However, the CFR states that when there is an allowable claim, dependent claims should not be restricted. As no allowable claims have been indicated such constraints do not apply to the instant case.
3. Should the examiner find allowable subject matter, the applicant is invited to rejoin the restricted claims so long as these dependent claims require the same limitations as the indicated allowable subject matter.
4. However as no claims have been indicated as allowable, the applicant's recited paragraph is moot. As such the restriction is maintained until such allowable subject matter is determined.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. It should be noted that the applicant's specific dimensions in claim 1 are considered in the following rejections, the examiner is not lending considerable weight to these terms. One skilled in the art of detergent manufacturing would understand these to be common dimensions for home cleaning.

7. Concerning the applicant's claims to the geometry of the product, the examiner will lend significant weight to these terms. For example in claim 2 the applicant defines a specific geometry where two packets share at least one partitioning wall. Such specific geometries would have a significant impact on the delivery of detergents and are thus granted this weight.

8. Claims 1-9, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson et al (US 4,776,455).

9. Anderson teaches a multicompartmental sachet for delivering multiple wash agents which are released sequentially in a washing machine (see abstract).

10. Anderson teaches various geometries including compartments adjacent to each other (see fig. 2) and compartments within compartments (see figs. 4 and 6).

11. In example 1, Anderson teaches an aspect ratio of 1:1 and an approximate volume of approximately 50 ml.

Art Unit: 1751

12. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Falou et al (US 5,132,036).

13. Falou teaches a multi-compartment pouch wherein the compartments can vary in size and number (see col. 12, lines 36-68). Falou further teaches pouches within pouches and multi-composition (see col. 14, lines 41-54). Falou discusses other geometries including back-to-back, side-by-side, etc. (see col. 14, lines 59-68). Falou teaches water-soluble materials for the pouch (see col. 15, lines 16-21) and teaches specific water-soluble polymers (see col. 16, lines 11-25).

14.

15. Claims 1-9, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Falou et al (US 5,160,654).

16. Falou teaches multi-compartment sachets of various dimensions and geometries (see col. 9, lines 13-48). Falou teaches time-delayed release in these multi-compartment sachets as described by Anderson above (see col. 10, lines 6-11; see also US 4,776,455 above, reference as EP 236136A by Falou).

***Allowable Subject Matter***

17. Claim 24 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

18. The applicant's claim 24 requires specific temperatures for the dissolution of the various compartments of the pouch. Although various polymers are known to dissolve at different

Art Unit: 1751

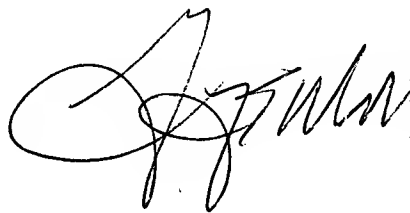
temperatures, the applicant's specific combination of specific geometry and specific temperatures of dissolution were not found in the prior art of record.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory E. Webb whose telephone number is 571-272-1325. The examiner can normally be reached on 9:00-17:30 (m-f).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gregory E. Webb  
Primary Examiner  
Art Unit 1751

gw